

## **REMARKS**

In the Official Action mailed on **8 January 2007**, the Examiner reviewed claims 1-30. Claims 1-10 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-30 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and claim the invention. Claims 1-8, 10-18, 20-28 and 30 were rejected under 35 U.S.C. §102(b) as being anticipated by Gross et al. (USPN 5,764,509 hereinafter "Gross"). Claims 9, 19, and 29 were objected as being dependent upon a rejected base claim, but would be allowable if rewritten.

### **Rejections under 35 U.S.C. § 101**

Claim 1 was rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Examiner averred that "determining whether a sensor has failed ... and using an estimated signal in place of the actual signal ..." was not sufficient to constitute a tangible result.

Accordingly, Applicant has amended claim 1 to clarify that the method includes "**applying an estimated signal to the input...** whereby the computer system can continue operating without the failed sensor." Applying the estimated signal to the input changes the voltage and/or current of the input, which is a tangible result. Hence, Applicant respectfully submits that claim 1 as presently amended is directed to statutory subject matter because it recites a tangible result which is used for a practical application, namely, to enable the computer system to continue operating without the failed sensor. Applicant has also amended claims 11 and 21 to reflect the changes in claim 1.

### **Rejections under 35 U.S.C. § 112**

Claims 1, 11, and 21 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and claim the invention. Examiner averred that the phrase “the actual signal” which was recited in independent claims 1, 11, and 21 lacked antecedent basis.

Accordingly, Applicant has elided the phrase “the actual signal” from claims 1, 11, and 21. Hence, Applicant respectfully submits that claims 1, 11, and 21 as presently amended conform to the requirements of 35 U.S.C. §112, second paragraph.

### **Rejections under 35 U.S.C. § 102(b) and Allowable Subject Matter**

Claims 1-8, 10-18, 20-28 and 30 were rejected under 35 U.S.C. §102 (b) as being anticipated by Gross. Claims 9, 19, and 29 were objected as being dependent upon a rejected base claim, but would be allowable if rewritten.

Accordingly, Applicant has amended independent claims 1, 11, and 21 to include the allowable subject matter in dependent claims 9, 19, and 29. Specifically, Applicant has amended claims 1, 11, and 21 to clarify that the other instrumentation signals “include at least one of: a signal associated with an internal performance parameter, a signal associated with a physical performance parameter, and a signal associated with a canary performance parameter.” Applicant respectfully submits that Gross does not anticipate claims 1, 11, and 21 as presently amended because they recite the allowable subject matter. Applicant has amended dependent claims 2, 3, 12, 13, 22, and 23 to correct antecedent basis. Applicant has canceled claims 9, 19, and 29 without prejudice.

Hence, Applicant respectfully submits that independent claims 1, 11, and 21 as presently amended are in condition for allowance. Applicant also submits that claims 2-8 and 10 which depend from claim 1, claims 12-18 and 20 which depend from claim 11, and claims 22-28 and 30, which depend from claim 21, are


for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

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